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JUL 20 1989

July 17, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTEDSUPERFUND PROGRAM
MANAGEMENT BRANCH**ICI Americas Inc.**Law Department
General Section
Wilmington
Delaware 19897
Telephone (302) 886-3000
Fax (302) 886-2952

Mr. ~~John Oaks~~
Regional Cost Recovery Coordinator
Hazardous Waste Enforcement Branch
United States Environmental
Protection Agency
Region 5
230 South Dearborn Street
Chicago, IL 60604

Re: ~~_____~~ Ohio, Site No. 46

Dear Mr. Oaks:

This is in response to the letter dated June 20, 1989 by John Kelley, Chief, Superfund Program Management Branch, to ~~Stauffer Chemical Company~~. Unfortunately, since this was sent to Stauffer in Westport, Connecticut, we only received the letter on July 12. In order to avoid similar delays in the future, I ask that ~~future correspondence to Stauffer be sent to my attention.~~

Regarding the substance of the June 20 letter, we were indeed surprised at the request for payment contained therein. Stauffer's involvement with the Fields Brook Site is tenuous at best as the attached letters of January 5, 1989 and January 29, 1988, indicate. Stauffer Chemical should not be considered a potentially responsible party at the site. Stauffer, in fact, has had very little contact with the Site or the Agency over the past two years. It has been our understanding that the PRP negotiating group and other PRPs have acknowledged Stauffer's position. On February 10 of this year, I discussed the matter with Michael Berman at which time we again discussed Stauffer's position. I also had the opportunity to discuss the situation further with Mr. Berman on July 14 and again explained our situation. Mr. Berman promised to look into the matter further and I hope that upon closer examination, we can have this matter resolved.

Stauffer Chemical does not want to be considered unresponsive to the Agency's request; however, we believe the particular situation at the Fields Brook Site does not warrant an affirmative response to reimburse the EPA for \$969,000 of response costs. The responsible party list attached to the June 20 letter unfortunately continues to include Stauffer Chemical on the list. I note, moreover, the names of other corporations that I heretofore have not been



aware of any involvement with the Site. As such, I question whether this is the most current or accurate list of responsible parties. I would appreciate it if this too could be clarified.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Samuel E. Malovrh'.

Samuel E. Malovrh
Environmental Counsel

SEM:kds

CC: Victor Hyatt
Michael Berman

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ICI Americas Inc.
Wilmington, Delaware 19897

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PROGRAM MANAGEMENT
& STATE RELATIONS SECTION

Mr. John Oaks
Regional Cost Recovery C
Hazardous Waste Enforcem
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Protection Agency
Region 5
230 South Dearborn Street
Chicago, IL 60604

Is your RETURN ADDRESS
completed on the reverse side?

A member of the ICI Group

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